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July 9, 2014

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Comey:

I write today to respectfully request that you fully investigate USA Swimming's handling of both past and present cases of child sexual abuse. I bring to your direct attention information my staff recently discussed with your Child Exploitation Unit¹ regarding child sexual abuse and other sexual misconduct by individuals affiliated with the national governing body² for competitive swimming in our nation, USA Swimming.³ We must ensure that our nation's student-athletes are safe from unconscionable abusive acts committed by the very professionals on whom we confidently rely for our children's training, development, and care.

Any information or documents provided regarding this matter are provided without waiver of any rights or privileges available to the House Committee on Education and the Workforce, any other Committee of the House, the House itself, or any Member or employee of the House.

¹ Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Andy Burke, Representative, Child Exploitation Task Force, Fed. Bureau of Investigation & Robert Jones, Representative, Office of Cong. Affairs, Fed. Bureau of Investigation (June 12, 2014).

² As a national governing body, USA Swimming is responsible for meeting obligations detailed in the U.S. Olympic Committee (USOC) Bylaws, and The Ted Stevens Olympic Amateur Sports Act, 36 U.S.C. §§ 220501-22529 (1978). *Mission & Vision*, USA SWIMMING, <http://www.usaswimming.org/DesktopDefault.aspx?TabId=1412&Alias=Rainbow&Lang=en> (last visited June 10, 2014); Bylaws of the United States Olympic Committee, TEAMUSA, <http://www.teamusa.org/~media/TeamUSA/Documents/Legal/Governance/2013%20Bylaws%20Approved%20382013v2.pdf> (last visited June 10, 2014).

³ USA Swimming is "responsible for selecting and training teams for international competition including the Olympic Games, and strives to serve the sport through its core objectives: Build the base, Promote the sport, Achieve competitive success" and its membership includes "swimmers from the age group level to the Olympic Team, as well as coaches and volunteers." About USA Swimming, USA SWIMMING, <http://www.usaswimming.org/DesktopDefault.aspx?TabId=1398> (last visited June 10, 2014).

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As the former chairman, and now senior Democratic member, of the U.S. House Committee with oversight and legislative jurisdiction over student safety and mandatory child abuse reporting laws, I have completed several investigations around child abuse and neglect, and subsequently legislated on the findings⁴ to help protect the fragile lives of our most vulnerable population—children.

Based on my prior work on child protection, I am confident that the alarming allegations and high-profile reports of sexual abuse in the ranks of USA Swimming necessitate closer scrutiny by the Federal Bureau of Investigation.

On June 18, 2013, on the heels of high-profile, disturbing reports about the abuse of student athletes participating in swim clubs, I requested that the U.S. Government Accountability Office (GAO) examine the prevalence of abuse among such athletes and the manner in which such abuse cases are reported, investigated, and resolved.⁵ At my request, the GAO is currently investigating a number of issues around sexual abuse in schools, youth-serving organizations, and college campuses.⁶

With the GAO's legislative branch investigations underway, at my direction committee staff has investigated the process by which USA Swimming receives allegations of sexual abuse, investigates them, and determines how to proceed. Over the last several months, staff has interviewed senior-level officials from USA Swimming and the U.S. Olympic Committee (USOC), interviewed legal counsel retained by USA Swimming to handle abuse allegations, and reviewed substantial information prepared by USA Swimming and provided to the committee. Additionally, staff has interviewed victims of sexual abuse, their families, some of the families' attorneys, former USA Swimming officials, a USA Swimming-commissioned expert who has been conducting an independent evaluation of USA Swimming's Safe Sport Program and others.

⁴ For additional information about these investigations and legislative efforts, see *Child Safety*, COMMITTEE ON EDUC. AND THE WORKFORCE DEMOCRATS, <http://democrats.edworkforce.house.gov/issue/child-safety> (last visited June 10, 2014).

⁵ See Letter from George Miller, Senior Democratic Member, U.S. House Comm. on Educ. and the Workforce, to Gene L. Dodaro, Comptroller General, U.S. Gov't Accountability Office (June 18, 2013), <http://democrats.edworkforce.house.gov/sites/democrats.edworkforce.house.gov/files/documents/6.17.2013-GMLettertoGAO-StudentAthletes.pdf>.

⁶ Press Release, U.S. House Comm. on Educ. and the Workforce Democrats, Miller asks GAO to Expand Investigation into Child Abuse Reporting Laws to Include Athletics, Extracurricular Activities (June 18, 2013), <http://democrats.edworkforce.house.gov/press-release/miller-asks-gao-expand-investigation-child-abuse-reporting-laws-include-athletics>.

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As a result of my staff's investigation, it has become clear that child sexual abuse and sexual misconduct have plagued USA Swimming since its inception in 1980.⁷ Since then, USA Swimming has banned more than 80 coaches and other affiliates for child sexual abuse and other sexual misconduct.⁸ However, most of these sexual predators were banned in just the last five years,⁹ despite the fact that some of them have engaged in sexual abuse for decades.

In September 2010, responding to persistent and unfavorable press around sexual abuse within the sport, USA Swimming implemented its "Safe Sport Program" to manage allegations of sexual abuse and other complaints.¹⁰

According to an internal memorandum, USA Swimming sought to mitigate against the appearance that its prior practice for handling abuse cases was akin to the "fox guarding the hen house" by promoting its new Safe Sport Program, which was designed to address abuse and uses the "mantra" of "Educate, Prevent & Protect."¹¹

The Safe Sport Program seeks to shift USA Swimming away from decades of reportedly random and inconsistent responses to allegations of child sexual abuse among its members to a stated policy that "with the assistance of outside legal counsel and independent investigators, actively examines any complaint alleging that a member has violated its Code of Conduct."¹²

This relatively new policy requires that USA Swimming, upon receiving a complaint, conduct internal National Board of Review (NBR) hearings to consider banning a coach, hold emergency hearings if USA Swimming is concerned that the coach presents a danger to children, and contact local law enforcement.

However, despite this new policy, problems still exist. Although it is true USA Swimming has banned a number of coaches for life,¹³ simply banning a coach from USA Swimming does not

⁷ Internal Memorandum from the U.S. House Comm. on Educ. and the Workforce (June 16, 2014) (on file with committee) (outlining examples of swim coach abuse cases).

⁸ Memorandum from USA Swimming to the U.S. House Comm. on Educ. and the Workforce (June 16, 2014) (on file with committee).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Memorandum from Bruce Stratton, President, USA Swimming & Chuck Wielgus, Exec. Dir., USA Swimming, CEO, USA Swimming Foundation to USA Swimming Bd. of Dir.s (July 2, 2013) (on file with committee).

¹² *USA Swimming Safe Sport Program: Complaint Process*, USA SWIMMING, http://www.usaswimming.org/_Rainbow/Documents/60b6ac30-323b-42de-9c4b-a4e051b91aee/USAS%20Safe%20Sprt%20Complaint%20Process%20FINAL.pdf (last visited June 10, 2014).

¹³ See *Individuals Permanently Suspended or Ineligible*, USA SWIMMING, <http://www.usaswimming.org/ViewMiscArticle.aspx?TabId=1963&mid=10011&ItemId=5107> (last visited June 10, 2014).

prevent a predator from coaching again, nor does the ban prevent such predators from having access to other children. For example, in a very high-profile case within the competitive swimming community, a USA Swimming-banned coach was later found to have had access to children. The club for which he worked had no knowledge of the coach's record as a sexual predator.¹⁴ To our understanding, neither did the children or families who frequented the club.

In response to committee staff questions about sexual predator information in the possession of USA Swimming, Executive Director Chuck Wielgus asserted that USA Swimming's concerns about violating a coach's employment rights prevents USA Swimming from disclosing information about predatory coaches to their current employer and others.¹⁵ However, last month, in a highly publicized manner, Mr. Wielgus apologized to victims of sexual abuse, saying he "could have done more" during his tenure to address these problems.¹⁶ (Mr. Wielgus issued his apology in light of a petition signed by a group of 19 victims of abuse who recommended that he withdraw his name from consideration for the International Swimming Hall of Fame.¹⁷)

Legal counsel retained by USA Swimming, Richard Young, reiterated Mr. Wielgus' point about sharing sexual predator information, citing Colorado state "blacklisting" laws that apply in this circumstance because USA Swimming is incorporated and physically located in Colorado Springs, Colorado.¹⁸

As a result of USA Swimming's interpretation of Colorado's "blacklisting" laws, details about prior abusers are regularly kept secret and information that could protect future children from abuse often is not available to those outside USA Swimming. For example, a settlement

¹⁴ Kelli Anderson, *Justice Underserved--USA Swimming Outdistanced Its Legacy of Failing to Protect Its Athletes from Coaches*, SPORTS ILLUSTRATED, Oct. 21, 2013 (discussing how Everett Uchiyama, former head of the United States Olympic Swim Team at the 2004 Olympic games in Athens, Greece, was banned for life for child sexual abuse with a 14-year old girl at the Southern California Aquatics club in the early 1990s).

¹⁵ Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Chuck Wielgus, Exec. Dir., USA Swimming, Susan Woessner, Dir. of Safe Sport, USA Swimming, Malia Arrington, Dir. of Ethics and Safe Sport, USOC, Karen Irish, Assoc. Dir. of Gov't Relations, USOC, Desiree Filippone, Dir. of Gov't Relations, USOC, Jessica Herrera-Flanigan, Legal Counsel for USOC, Monument Policy Grp. & Ashley Hoy, Legal Counsel for USOC, Monument Policy Grp., in Wash., D.C. (Oct. 23, 2013).

¹⁶ *The Chuck Wielgus Blog: I'm Sorry*, USA SWIMMING, <http://www.usaswimming.org/ViewNewsArticle.aspx?TabId=0&itemid=6114&mid=8712> (last visited June 16, 2014).

¹⁷ Kelly Whiteside, *Hall of Fame Rescinds Chuck Wielgus' Invite Amid Sexual Abuse Allegations*, USA TODAY (June 3, 2014), <http://www.usatoday.com/story/sports/olympics/2014/06/02/chuck-wielgus-usa-swimming-hall-of-fame/9893275>.

¹⁸ Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Richard R. Young, Legal Counsel for USA Swimming, Bryan Cave, LLP (Nov. 4, 2013).

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agreement between USA Swimming and the aforementioned abusive coach stipulated that USA Swimming would forgo further investigation of allegations involving child sexual abuse by the coach in question in exchange for the coach accepting a lifetime ban from USA Swimming.¹⁹ According to the settlement agreement, both the sexual predator and USA Swimming stipulated that neither party would speak about the details of the abuse. As far as we know, USA Swimming never shared that information with others, citing Colorado law and civil settlement restrictions on warning others about the threats this coach presented. The current whereabouts of this coach and the status of his access to children are unknown.

Because basic information about predatory coaches may be kept secret and not shared, predatory coaches banned by USA Swimming may pursue and abuse additional victims.²⁰

The ongoing threat of sexual predators within youth swimming is very real. Although I am encouraged by recent steps that USA Swimming has taken to ban predatory coaches, the sheer number of coaches banned for sexual misconduct speaks to the prevalence of sexual abuse and underscores the need for significant new actions to protect children. Most recently, USOC's board of directors announced it approved the creation of a new, independent entity to, among other things, investigate and adjudicate allegations of sexual abuse in the sports managed by USOC's national governing bodies, such as USA Swimming.²¹ Although this is encouraging news, the soonest such an entity will stand up is in 2015, and it could be years before it is operational. In the meantime, kids are at risk. Therefore, I believe the FBI can act to further investigate cases in which USA Swimming has existing knowledge of predatory coaches.

The FBI's engagement on these issues is of the utmost importance because, based on evidence obtained and evaluated by committee staff, I believe USA Swimming has failed in a number of instances to fully investigate and take all the necessary steps to protect children when presented

¹⁹ Agreement and General Release between Everett Uchiyama and USA Swimming (Jan. 27, 2006).

²⁰ See Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Jancy Thompson, Victim (Mar. 13, 2014); Megan Chuchmach & Avni Patel, *ABC News Investigation: USA Swimming Coaches Molested, Secretly Taped Dozens of Teen Swimmers*, ABC NEWS (Apr. 9, 2010), <http://abcnews.go.com/Blotter/abc-news-investigation-usa-swimming-coaches-raped-molested/story?id=10322469> (discussing former swim coach Andy King's pattern of sexual abuse); Deirdra Funcheon, *An Underage Sex Scandal Leads to Fort Lauderdale's Swimming Hall of Fame*, BROWARD/PALM BEACH NEW TIMES (June 5, 2014), <http://www.browardpalmbeach.com/2014-06-05/news/an-underage-sex-scandal-leads-to-fort-lauderdale-s-swimming-hall-of-fame/> (describing how allegations of sexual abuse against Alexandre Pussieldi were improperly investigated for fear of bad publicity); Retired Sgt. Ted Marfia Declaration ¶ 3-5 (discussing his involvement with the investigation into allegations against Norm Havercroft and his contact with USA Swimming).

²¹ Letter from Scott A. Blackmun, Chief Exec. Officer, USOC, to Nat'l Governing Bodies Council (June 10, 2014) (on file with committee).

with allegations of sexual abuse among its ranks. Some of these failures are commonly known²² and USA Swimming itself has conceded that it could have done more in certain circumstances.²³

At USA Swimming's request, and with USA Swimming funding, in January 2014, the Gundersen National Child Protection Training Center conducted a limited review of the Safe Sport Program.²⁴ Although limited in scope, the USA Swimming-commissioned review, which was headed by an expert on child safety issues, identified a number of failures and other missteps in the Safe Sport Program.²⁵ Much to my concern, the USA Swimming-commissioned experts asserted that USA Swimming maintains "a number of 'non-compliant victim' files in which a survivor has given a clear statement of abuse but is unwilling or unable to testify."²⁶ In these cases, although credible complaints have been made about sexual and other abuse, without direct victim testimony or other overwhelming evidence (e.g., criminal charges against the abusing coach), USA Swimming may not take decisive action. According to the USA Swimming's hired expert, "these dynamics may result in an offending coach having ongoing access to children."²⁷

The Gundersen Report similarly warns of the dangers of the USA Swimming informal resolution process, which is used to assess whether or not to move forward with an internal investigation and review, noting that "there is a temptation to label an incoming case as warranting an informal process when, in reality, it may involve a greater risk."²⁸ According to the report, USA Swimming closes the largest number of its sexual abuse cases through this informal resolution process, which lacks transparency, before conducting an investigation.²⁹ The report recommends this procedure be articulated in writing and approved by the Safe Sport Committee.³⁰ The absence of this formalized procedure may have the effect of secretly stifling both investigations and resolutions of legitimate cases of child sexual abuse.

²² Internal Memorandum from the U.S. House Comm. on Educ. and the Workforce (Sept. 27, 2013) (on file with committee) (outlining commonly known swim coaches' abuses).

²³ During conversations with committee staff, Ms. Woessner conceded that USA Swimming could have done a better job at handling cases and made mistakes. Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Susan Woessner, Dir. of Safe Sport, USA Swimming, Malia Arrington, Dir. of Ethics and Safe Sport, USOC, Karen Irish, Assoc. Dir. of Gov't Relations, USOC & Jessica Herrera-Flanigan, Legal Counsel for USOC, Monument Policy Grp., in Wash., D.C. (Aug. 28, 2013).

²⁴ Gundersen National Child Protection Training Center, *When the Athlete is a Child: An Assessment of USA Swimming's Safe Sport Program*, GUNDERSEN HEALTH SYSTEM (Jan. 27, 2014), <http://www.gundersenhealth.org/upload/docs/NCPTC/USA-Swimming-Report-1-27-14.pdf>.

²⁵ *Id.*

²⁶ Gundersen National Child Protection Training Center, *When the Athlete is a Child: An Assessment of USA Swimming's Safe Sport Program—Executive Summary*, GUNDERSEN HEALTH SYSTEM, 9 (Jan. 27, 2014), <http://www.gundersenhealth.org/upload/docs/NCPTC/USA-Swimming-Executive-Summary.pdf>.

²⁷ Gundersen Report, *supra* note 25, at 64.

²⁸ *Id.* at 46.

²⁹ *Id.* at 55.

³⁰ *Id.* at 47.

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Because it appears that, in some instances, the USA Swimming process allows predators to prey with impunity, I urge you to engage USA Swimming directly to ensure that its process works and the process applies equally to all alleged perpetrators and victims. Even after the inception of the USA Swimming Safe Sport Program in September 2010, a number of abuse victims and others have come forward with concerns about USA Swimming's failure to fully investigate abuse allegations and protect children. Together, USA Swimming's historical failures to address child abuse, the existence of "non-compliant victim" files that leave children exposed to future harm, and the fact that the Safe Sport Program appears not to work for all victims raise significant concerns around USA Swimming's ability to police its ranks sufficiently.

This inability was seen clearly in November 2011 (more than a year after the USA Swimming Safe Sport Program had begun), when an Alaska woman informed USA Swimming in writing of a complaint that detailed sexual abuse by her estranged husband, a USA Swimming coach in Idaho. (This was the latest complaint in a series; USA Swimming had received complaints regarding this coach's alleged sexual misconduct involving minors in Montana as early as 2009.) The Alaska woman's complaint involved the abuse of a 15-year-old girl. The woman also provided USA Swimming Safe Sport staff and its investigator with a written document from the victim that detailed the abuse. After nine months without a response, despite additional prodding by the Alaska woman, USA Swimming eventually declared that the case had been reviewed and closed. USA Swimming determined that no action could be taken because the coach was not a current member of the organization. After the woman corrected USA Swimming by alerting it to the fact that the coach was indeed a current member of the organization, USA Swimming informed the Alaska woman it would investigate and USA Swimming also filed a police report. The abusive coach committed suicide about a month later.³¹

In another example where USA Swimming's Safe Sport Program rules do not appear to have been followed, a mother of a teenage swimmer in Holyoke, Massachusetts, told a USA Swimming investigator in October 2012 that her daughter had been sexually abused by her USA Swimming coach at the Holyoke YMCA from 2009-2011, beginning when the girl was 13 years old.³²

³¹ Timothy Joyce, *USA Swimming Scandal – Profile of Abuse in Alaska*, TIMOTHY JOYCE (Dec. 2, 2012), <http://timothyjoyce.wordpress.com>; Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Connie Beemer, Former Spouse of Abusive Coach and Victim Advocate (Oct. 30, 2013).

³² Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Monica Strzempko, Mother of Victim (Dec. 2, 2013).

Prior to contacting USA Swimming, the victim's family contacted local law enforcement and the Commonwealth of Massachusetts' Department of Children and Families (DCF). An initial decision in December 2011 by DCF to support a report of sexual abuse against the swim coach was appealed by the coach. After an administrative hearing, DCF's decision was reversed because the DCF's decision and procedural action around the report "was not in conformity with the Department's policies and/or regulations."³³

The victim in this case chose to not participate in a USA Swimming hearing because of the trauma she felt she would experience when asked to confront her alleged abuser. However, she did provide a statement to a USA Swimming investigator detailing the coach's sexually abuse actions against her. Despite that statement, USA Swimming decided not to conduct a hearing because the victim would not participate personally. USA Swimming asserted that, without her direct participation, this case would be limited to a "he said, she said" dispute. USA Swimming informed the mother nearly a year later that the case was closed and no action would be taken.³⁴

In yet another incident, in 2012, a youth swim coach in Fort Lauderdale, Florida, was accused by a witnessing parent of inappropriate touching of an underage swimmer during a massage.³⁵ Last year, USA Swimming reminded the offending coach that USA Swimming's code of conduct expressly prohibits rubdowns and massages by coaches.³⁶ Journalists' reporting of this case led to the public surfacing of a 2004 complaint against the same coach by a minor swimmer, which alleged that the coach had videotaped the complaining minor and other underage swimmers in the bathroom during a period of time during which the underage swimmers resided in the coach's home; that the coach possessed child pornography on his computer; and that he had videos of his own sex acts with underage boys.³⁷

The original 2004 complaint, which was triggered by the coach's physical attack on the swimmer in question, led to investigations by USA Swimming and the local police, as well as the coach's resignation from the Fort Lauderdale swim team. At the time, the Fort Lauderdale police cleared and closed the case, following an investigation and intense lobbying on the coach's behalf by the Fort Lauderdale swim team and others.

³³ Randall Smith, Fair Hearing No. 20120194 Mass. Exec. Office of Health and Human Services, Dept. of Children and Families, at 17-19 (Nov. 15, 2012).

³⁴ Telephone Interview with Monica Strzempko, *supra* note 33.

³⁵ Funcheon, *supra* note 20.

³⁶ *Id.*

³⁷ *Id.*

USA Swimming's National Board of Review in 2006 admonished both the coach and the victim, saying that "both petitioner and respondent used poor judgment and acted immaturity and inappropriately. However, a coach must never physically assault a swimmer."³⁸ USA Swimming suspended the coach for three months and placed him on probation for a year.³⁹

USA Swimming, however, did not address the videotaping, child sexual abuse, and child pornography allegations, and to date, the organization has neither commented on, nor acted on, that information.⁴⁰ Regrettably, the coach was subsequently hired by other private schools.⁴¹ When this matter began receiving attention again in the spring of 2014 after the new 2012 allegations surfaced, police re-opened the 2004 case.⁴²

As these examples illustrate, my committee's investigation of a wide range of allegations of child sexual misconduct and abuse has revealed numerous exceptions to the guidelines established in USA Swimming's Safe Sport Program, to the extent that it does not resemble a consistent policy. These exceptions include: a victim's unwillingness to participate in a hearing; a victim reporting the incident anonymously; the coach's actions falling outside a state's statute of limitations; the coach's actions occurring while not a member of USA Swimming or prior to the formation of USA Swimming; and the coach being of advanced age.⁴³

Furthermore, if a coach was never a USA Swimming member, USA Swimming will only inform the local swim club where he or she is employed of the accusation and provide the club with options (not recommendations) for next steps. In these cases, USA Swimming leaves the responsibility of contacting law enforcement to the local club.⁴⁴ This action risks children's safety by potentially leaving them in the presence of an alleged child sex abuser.

USA Swimming is regularly failing to address abuse allegations in a complete and timely manner, even though, according to the organization, no statute of limitations exists for abuse cases within its ranks, even well after statutes of limitation run out elsewhere.⁴⁵ For example, in November 2013, USA Swimming banned a coach with a long-standing history of sexual abuse

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ A number of individuals shared these exceptions with Committee staff during the course of the Committee's investigation. USA Swimming staff identified some exceptions during a conversation with Committee staff on October 23, 2013. Interview with Chuck Wielgus et al., *supra* note 16.

⁴⁴ *Id.*

⁴⁵ Memorandum from USA Swimming, *supra* note 8.

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and other misconduct that dates back more than two decades.⁴⁶ Although banning this coach was an appropriate step, it was certainly a delayed one, given that officials in USA Swimming leadership (as well as many in the sport of swimming) were aware of this coach's sexual misconduct for decades.⁴⁷

My staff interviewed several sexual abuse victims and other swimmers, all of whom corroborated the fact that detailed actionable information about this coach and others like him has been well known to USA Swimming leadership, yet because of inaction, these predators were allowed to prey with impunity.⁴⁸ Accordingly, it is our understanding that leadership and other staff within USA Swimming possess information about previous and presumably present cases of abuse that, if ignored or improperly investigated, leave children at risk of abuse. I believe the FBI has the experience, expertise, and legal authority to carefully examine information USA Swimming possesses in order to assist USA Swimming in its efforts to educate, prevent, and protect its ranks from abuse.

I believe the establishment of the USA Swimming Safe Sport Program is a significant step to standardize the handling of allegations around sexual abuse. Additionally, I believe USOC's consideration of an independent body to investigate sexual abuse and other allegations for all 47 national governing bodies is worthy of deliberation and close scrutiny going forward. I also believe that a youth-serving organization such as USA Swimming must enforce a policy of zero tolerance around child sexual abuse.

⁴⁶ Elliott Almond, *Mitch Ivey, Famed Swim Coach, Banned for Sexual Misconduct*, SAN JOSE MERCURY NEWS (Nov. 26, 2013), http://www.mercurynews.com/sports/ci_24604608/mitch-ivey-famed-swim-coach-banned-sexual-misconduct.

⁴⁷ Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Suzette Moran, Victim (Nov. 22, 2013); Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Nancy Hogshead-Makar, Senior Dir. of Advocacy, Women's Sports Foundation (Sept. 9, 2013); Tony Austin, *Coach Mitch Ivey, You're Finally Busted!*, SCAQ BLOG (June 10, 2013, 2:16 PM), <http://scaq.blogspot.com/2013/06/coach-mitch-ivey-youre-finally-busted.html>.

⁴⁸ Telephone Interview with Nancy Hogshead-Makar, *supra* note 48; Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Dia Rianda, Former USA Swimming Coach (Nov. 15, 2013); Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Dia Rianda, Former USA Swimming Coach (Nov. 19, 2013); Telephone Interview with Susan Moran, *supra* note 48; Telephone Interview by Michael Zola, Deputy Staff Dir., U.S. House Comm. on Educ. and the Workforce & Scott Groginsky, Senior Educ. Policy Advisor, U.S. House Comm. on Educ. and the Workforce with Caren McKay, Victim (Dec. 6, 2013).

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To this end, USA Swimming must act quickly, decisively, and evenly each and every time an allegation of abuse is brought to its attention. Immediate, timely, and enhanced scrutiny of past and present sexual abuse cases by an outside expert such as the FBI would make significant strides in placing USA Swimming on a path to rid its ranks of sexual predators.

If you have any questions regarding this correspondence, please contact me or direct your staff to contact my Deputy Staff Director Michael Zola or Senior Education Policy Advisor Scott Groginsky, both of whom may be reached at (202) 225-3725. I appreciate your attention to this matter.

Sincerely,



GEORGE MILLER
Senior Democratic Member

cc: Chairman John Kline



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

AUG 26 2014

The Honorable George Miller
Ranking Member
Committee on Education and the Workforce
House of Representatives
Washington, DC 20515

Dear Congressman Miller:

I am writing in response to your July 9, 2014, letter to FBI Director James B. Comey, requesting an investigation of USA Swimming for alleged sexual abuse of minor children.

The FBI's Violent Crimes Against Children Section has reviewed the information provided in your letter for potential violations of federal law. Additionally, FBI representatives recently met with USA Swimming officials and discussed applicable federal violations associated with child exploitation matters, the vulnerabilities of those within USA Swimming, and provided information to assist in USA Swimming's effort to educate their membership regarding the sexual exploitation of children.

I appreciate your taking the time to bring forth information and your concerns on potential crimes. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Maxwell D. Marker", is written over a horizontal line.

Maxwell D. Marker
Acting Deputy Assistant Director
Criminal Investigative Division